



Franklin
COUNTY KANSAS
EST. 1854

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 21- 55

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2109-1921 (L.O.H. FIRE DISTRICT) TO PERMIT THE EXPANSION OF THE OPERATION OF A FIRE STATION FACILITY IN A C-2 (HIGHWAY COMMERCIAL) ZONING DISTRICT, DESCRIBED AS TRACT A, TO INCLUDE ADDITIONAL PROPERTY LOCATED IN AN A-1 (AGRICULTURE) ZONING DISTRICT, DESCRIBED AS TRACT B

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Planning Commission did publish notice on September 25, 2021 that public hearing would be held to consider Special Use Permit application #2109-1921 (L.O.H. Fire District) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 21, 2021 hold a public hearing for the consideration of Special Use Permit application #2109-1921 (L.O.H. Fire District) to allow for the expansion of the operation of a fire station facility in a C-2 (Highway Commercial) Zoning District to include additional property located in an A-1 (Agriculture) Zoning District; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 setting out the procedures and basis for review in considering a Special Use Permit including the following criteria:

- a. Whether the use is in compliance with, and would further enhance the implementation of, the adopted Comprehensive Plan;
- b. Whether the use complies with the purpose and intent of the adopted Zoning Regulations;
- c. Whether the use complies with other adopted standards of the County;
- d. Whether the use fits the character of the neighborhood
- e. Whether the use would be unduly detrimental to surrounding properties and uses;
- f. The suitability of the subject property for the proposed use;
- g. Approval of mitigation measures to minimize impacts to surrounding properties or services; and

WHEREAS, the Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of Golden vs. City of Overland Park, together with all written reports and public testimony, the Planning Commission, by majority of its membership did find the following:

1. That the Special Use Permit is consistent with the County Zoning Regulations
2. That the Special Use Permit is in conformance with, and would further enhance, the County Comprehensive Plan
3. That, as conditioned, the Special Use Permit will not overburden the County roads and other public services
4. That, as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community
5. That, as conditioned, the Special Use Permit will not impact property values of the surrounding properties
6. That, as conditioned, the Special Use Permit will comply with all other County Codes and Regulations
7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #2109-1921 (L.O.H. Fire District) as follows:

Section 1: Special Use Permit #2109-1921 (L.O.H. Fire District) is granted for the following described properties:

TRACT A:

One acre of land in the Southeast Quarter (¼) of Section Fourteen (14), Township Sixteen (16) South third Standard Parallel, Range Nineteen (19) East, sixth Principal Meridian, Franklin County Kansas and described as follows, to wit: Commencing at a point thirty (30) feet North and five hundred twenty nine and twenty five hundredths (529.25/100) feet west of the Southeast corner of Section Fourteen (14), Township Sixteen (16), Range Nineteen (19), thence West and parallel with the South line of Said Section Fourteen (14) two hundred eight and seventy two hundredths (208.72/100) feet, thence North and parallel with the East line of said Section Fourteen (14) two hundred eight and seventy two hundredths (208.72/100) feet, thence East parallel with the South line two hundred eight and seventy two hundredths (208.72/100) feet, thence South and parallel with the west line two hundred eight and seventy two hundredths (208.72/100) feet to the point and place of beginning and containing one (1) acres of land more or less.

TRACT B:

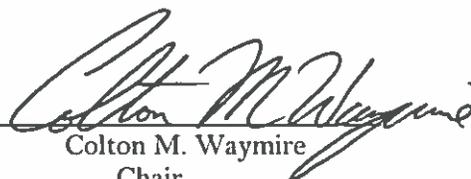
A part of the Southeast Quarter of Section 14, Township 16 South, Range 19 East of the Sixth P.M. by Bryon K. Cates PS 1208 August 18, 2021.

Commencing at the Southeast Corner of the Southeast Quarter of Section 14, Township 16 South, Range 19 East of the Sixth P.M.; Thence South 88°07'05" West 738.24 feet on the South line of said Quarter to the True Point of Beginning; Thence continuing South 88°07'05" West 417.80 feet; Thence North 01°28'56" West 238.53 feet parallel with the East line of said Southeast Quarter; Thence North 88°07'05" East 417.80 feet to an existing 1 inch gas pipe set by Mason in 1930; Thence South 01°28'56" East 238.53 feet to the Point of Beginning containing 2.29 acres, more or less, all in Franklin County Kansas.

Section 2: The Special Use Permit for the real property described above shall be authorized for the expansion of the operation of a fire station facility in a C-2 (Highway Commercial) Zoning District to include additional property located in an A-1 (Agriculture) Zoning District pursuant to the Franklin County Zoning Regulations and the following conditions:

1. Except as amended by the conditions, the property shall be developed according to the site plan (Exhibit A) and narrative (Exhibit B) as attached hereto. Any changes or additional uses will require approval of an amended Special Use Permit.
2. Development shall comply with all sanitary, building, fire and other applicable county and state codes and permit requirements.
3. The storage of equipment and materials associated with the use shall be within a building.
4. All driveways and off-street parking areas shall be maintained with all weather, dust-free surfaces.
5. All entrances for the site must be approved by the Public Works Department.
6. Any sign(s) used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
7. An engineered stormwater management plan shall be submitted to and approved by county staff prior to issuance of a building permit.
8. The Special Use Permit shall be null and void by operation of law if the Special Use Permit has not been initiated and utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 15th day of December, 2021. This action shall become effective upon publication in the official county newspaper.


 Colton M. Waymire
 Chair

Received and recorded this the 15th day of December, 2021.

FILED FOR RECORD
TIME 9:00 a.m


 Janet Paddock
 County Clerk

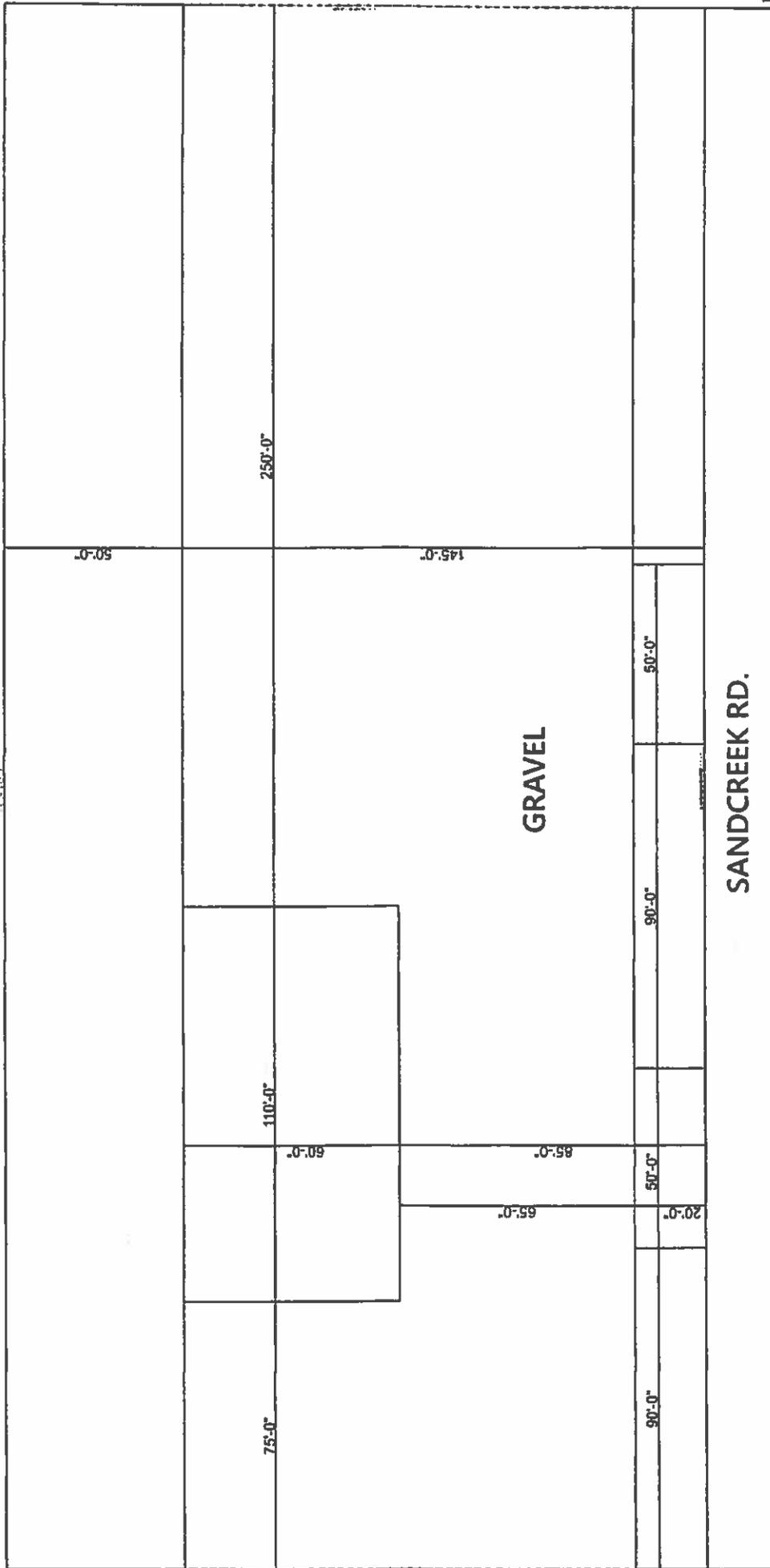
Misc
 DEC 16 2021
 Book 302 Page 609 Fee —

 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 5699



(Original compared with record)

EXHIBIT "A"



FIRE STATION
SCALE: 1" = 40'-0"

EXHIBIT "B"

BOOK 302 PAGE 613

Narrative for LOH Fire District Fire Station

Per our phone conversation, here is a bit of a write-up providing a description of our intended layout for the fire station we intend to build on Sand Creek Rd.

We were given 2 acres immediately west of the Ottawa TWP Hall, where the fire trucks are currently stationed. Our intention is to build the new station on the donated acres and remove all permanent structures on the existing Ottawa TWP property within 1 year after completion of the new building.

The new building will be built toward the western end of the property. The building will be approximately 60' wide by 100' long. There will be 5 apparatus bay doors facing south on one of the 100' walls of the building. The apparatus bays will be on the eastern side of the building and be the full depth of the building. The western side of the building will consist of a "meeting room" which will be used to hold firefighter training meetings and used by the community as a voting location.

The western side of the building will consist of a "meeting room" and restrooms/showers. There will be a walk door into the meeting room on the western wall of the building. Another walk door, also on the western wall, will provide entry to the hall with the restrooms/showers. There will be a second story above the "meeting room" and restrooms/showers. This second story will be used for storage (there will be no "living quarters", offices, restrooms, kitchen, etc. in the second story).

All but the northern 50' of the property is expected to be covered in gravel, more or less. There will be some contouring to allow the field to the north of the property to continue draining efficiently. The building will have sufficient fill so that it is raised above grade by 8-12"; the rest of the property will have only sufficient gravel to facilitate driving.

The 50' wide strip across the north edge of the property will remain dirt/grass. The septic system will be installed in this area. A propane tank might be set in this area (the exact location for the propane tank has not yet been determined, we would like it situated so that the propane truck can fill the tank while remaining on gravel).

The 75' wide strip on the west side of the building will be used for parking by those that will be using the "meeting room". The parking area may also be utilized by firefighters as they respond to incidents and report for training. Firefighters may also park along the south, western end of the building since there will be a walk door to the west end of the apparatus bay doors. The building will have a sidewalk in front of the doors (it is yet to be determined if the sidewalk will join all three walk doors). There will be about a 30-35' apron in front of the apparatus doors to clean the trucks on.

The area immediately south of the building, in front of the apparatus bay doors, is expected to be kept clear to facilitate responding apparatus. There is not expected to be any free standing signage along the road in order to maintain clear visibility of traffic on Sand Creek Rd. Signage may be affixed to the building to inform the public that it is a "fire station" and a voting location.

The area east of the building will be used as "training ground". This area will not have any permanent structures built on it. There may be temporary structures used as "fire training props" in this area. The training in this area may consist of temporarily bringing in props for training (such as wrecked cars to be used for extrication training), props remaining on premises for a longer duration of time in which live fire exercises may be performed (structural firefighting training), and an open area where trucks may be parked and training on the operation of the apparatus may be performed. Trainings may involve multiple participants and fire apparatus from multiple fire departments.

Other than the potential for training props (which would most likely be on the 1 acre Ottawa TWP lot), the propane tank, and a diesel fuel tank (which is currently on the Ottawa TWP property), all other equipment is expected to be kept inside the building. (NOTE: The training props that may remain for longer periods of time will have good appearance; it will not appear as if "junk" is being stored on the property.)

We would like to start construction as soon as possible. Right now, we're waiting to get the property deeded to LOH. With the rapidly fluctuating prices, "final details"/cost have not been settled due to not knowing when construction can actually start.

Please let me know if you need any additional information.

Thank you,
Reece

**LOH Fire District
PO Box 507
Ottawa, KS 66067**

Fire Chief: Allen Durbin (785-893-1930, adurbin604@gmail.com)

Board Members:

Reece Laurie (785-893-2062, reece@realappranch.com)

Sheldon Schulz (785-214-8488, schulzsheldon@yahoo.com)

Rod Croucher (785-241-3646, rod@crouchertitle.com)